



JOURNAL
OF THE
HONORABLE SENATE
SPECIAL SESSION OF 1944

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STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY, THE GOVERNOR

A Proclamation calling a
SPECIAL SESSION OF THE LEGISLATURE

WHEREAS, it is necessary to provide especial legislation in order that our citizens in the armed forces may enjoy their constitutional privilege of the ballot, and believing that every opportunity should be given them to exercise this privilege,

I, therefore, Robert O. Blood, Governor, with the advice and consent of the Council, hereby summon the General Court to assemble at the State House, Concord, New Hampshire, Tuesday, the twenty-first day of March, 1944, at 10:00 A. M.

ROBERT O. BLOOD,
Governor.

By His Excellency, the Governor,
with the advice of the Council.

ENOCH D. FULLER
Secretary of State

TUESDAY, MARCH 21, 1944

SPECIAL SESSION

In pursuance of the foregoing proclamation, the Honorable Senate assembled in the Capitol in the City of Concord in said State on Tuesday the twenty-first day of March, 1944, at ten o'clock in the forenoon.

The Clerk proceeded to call the roll.

Present

- District No. 1. Hon. Emmet J. Kelley
3. Hon. Geo. L. Frazer
4. Hon. Ansel N. Sanborn
5. Hon. Joseph B. Perley
6. Hon. Lewis H. Wilkinson
7. Hon. Herbert D. Swift
8. Hon. John R. Kelly
9. Hon. George W. Boynton
10. Hon. Russell F. Batchelor
11. Hon. Charles B. Knight
12. Hon. Blaylock Atherton
13. Hon. Aldege A. Noel
14. Hon. Clarence J. Avery
15. Hon. Stewart Nelson
16. Hon. Joel S. Daniels, Sr.
18. Hon. James B. McCarthy
19. Hon. Charles O. Lamy
20. Hon. Edmond J. Marcoux
21. Hon. J. Guy Smart
22. Hon. William Barron
23. Hon. Renfrew A. Thomson
24. Hon. Harry H. Foote

The Senate was called to order by the President.

On motion of Senator Swift, the following resolution was adopted:

Resolved, That the House of Representatives be informed that in pursuance of the proclamation of His Excellency, the Governor, the Senate has assembled, and is now ready to proceed with the business of the Special Session.

On motion of Senator Avery, the following resolution was adopted:

Resolved, That the rules of the Senate for the last session be the rules of the Senate for the present Special Session until otherwise ordered by the Senate with the following addition:

Upon bills and resolutions committed to a committee of the whole Senate, the bill or resolution shall first be read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble of the bill to be last considered; the body of the bill or resolution shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee and so reported to the Senate. After report, the bill or resolution shall again be subject to be debated and amended by clauses before a question to pass it to a third reading be taken.

The rules of proceeding in the Senate shall be observed in committee of the whole Senate, so far as they may be applicable, except the rule limiting the time of speaking.

Rule 31 of the Senate rules shall be suspended while the Senate is sitting as a Committee of the Whole.

On motion of Senator Thomson the following resolution was adopted:

Resolved, That to preserve a record of attendance, the Clerk be instructed to call the roll of the Senate each morning just prior to the adjournment of the morning session and that any Senators who do not

answer to their names at that time be considered absent for the day unless they announce their presence at some time during the day's session.

On motion of Senator Wilkinson the following resolution was adopted:

Resolved, That the House of Representatives be notified that the Senate will be ready to meet the House in joint convention at 2 o'clock for the purpose of receiving His Excellency the Governor and any communication he may be pleased to make and for the transaction of such other business as may properly come before the convention.

President Sanborn made the following announcement:

Rule 25 provides that Committees shall be appointed at the commencement of any session. I shall therefore appoint the same standing committees that served in the regular 1943 session with the following replacements. All of these changes are replacements of our former fellow Senator, George T. Noyes.

To the Committee on Insurance, the Honorable Senator from District No. 15, Senator Nelson.

To the Committee on Interstate Cooperation, the Honorable Senator from District No. 7, Senator Swift.

To the Committee on Revision of Laws, the Honorable Senator from District No. 16, Senator Daniels. The Honorable Senator from District No. 12, Senator Atherton, to serve as Chairman of the Revision of Laws Committee.

To the Committee on State Prison and Industrial School, the Honorable Senator from District No. 10, Senator Batchelor.

To the Committee on Transportation, the Honorable Senator from District No. 5, Senator Perley.

To the Committee on University of New Hampshire and Teachers College, the Honorable Senator from District No. 3, Senator Fraser.

The following mesage was received from the House of Representatives by its Clerk:

House Message

The House of Representatives has adopted the following resolution:

Resolved, That the Honorable Senate be notified that the House of Representatives has assembled in accordance with the proclamation of His Excellency the Governor, and is now ready to proceed with the business of the session.

The message further stated that the House of Representatives has adopted the following resolution:

Resolved, by the House of Representatives, the Senate concurring, that the joint rules of the last regular session of the Legislature be the joint rules of this Special Session of the Legislature, unless otherwise ordered, except that no bill, joint resolution, claim outstanding on the first day of the session, or petition relating to new business, shall be received in either branch of the Legislature, unless reported by the Committee on Rules of either branch, provided that this rule may be suspended in either house whenever two-thirds of the whole number of members shall, on division, take vote in favor thereof, and not otherwise.

On motion of Senator E. Kelley the Senate voted to concur with the House of Representatives in the adoption of the foregoing concurrent resolution.

On motion of Senator Boynton the following resolution was adopted:

Resolved, That the House of Representatives be notified that the Senate will be ready to meet the House in joint convention at two o'clock for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make, and for the transaction of such other business as may properly come before the convention.

On motion of Senator McCarthy the following resolution was adopted:

Resolved, That the Senate be in recess until two o'clock this afternoon out of respect to the memory of the Most Reverend John B. Peterson, D.D., Bishop of the New Hampshire diocese of the Roman Catholic Church,

The President declared a recess until two o'clock.

Recess

The Senate re-assembled, and pursuant to the above resolution the Senate met with the House of Representatives in joint convention.

Joint Convention

MESSAGE TO THE SPECIAL SESSION OF THE LEGISLATURE

By His Excellency Governor Robert O. Blood

We meet here today in what I am informed is the seventh special session of the state legislature. We assemble to enact legislation necessary to enable our absentee voters to exercise their privilege of franchise. I believe that the practice of the state in days past of enacting all general legislation in regular sessions is a sound one, and that special sessions should be called only to meet extraordinary and unforeseeable conditions, and that when called, they should deal only with such matters as may not await action at the next regular session.

Today we face the imperative necessity for such action. The present war has called the men and women of our armed forces to points so far distant that in the days immediately ahead they will be unable, under our present laws, to exercise their franchise as voters. I believe that they have an especial right to the ballot, for they are giving the "last full measure of devotion" to preserve the privilege of men to vote and live as freemen. It is for this particular purpose that this session has been called.

At the 1943 session of the Legislature we approved a bill permitting absentee voting for all candidates for public office including that of President. By that statute we provided the mechanics to permit the soldiers to vote for candidates for public office in New Hampshire under our regular absentee ballot law. Since that time the broadening sphere of our military operations and the difficulty of contacting so many of our men in far away places have made it necessary to advance the date of the primaries and improve and simplify the methods by which the soldier may cast his ballot.

The Secretary of War and Secretary of the Navy in a joint statement have stated that "the policy of the Army and Navy is to assist and encourage service men to vote, so far as practicable and compatible with military operations. Nothing must interfere with the Services' primary obligation to wage a victorious war." In referring to the time necessary to forward the ballot to the service men, the joint statement recommends the following time limits, "1. To service men inside the United States, at least thirty days before the election. 2. To service men outside the United States, at least forty-five days before the election." These limits are suggested as a "minimum time interval, based on air carriage to and from service men. Because air carriage is not always practicable or compatible with military operations, forty-five days may be an insufficient time interval and a longer time interval is desirable." Assuming this estimate is correct, ample time must be allowed after the primary for publishing the results of the primary, for holding state conventions, holding recounts, filing nomination papers, making appeals and holding the National Conventions. Also, ample time must be allowed in which to prepare the ballots and other materials, send them to the men in the services and have them returned in time to be counted at the biennial election. It is expected that the printing of the ballots can be completed by August 22nd if the legislature elects to adopt my proposed recommendation that the primary be held the second Tuesday in June. This is seventy-seven days prior to the election. In view of the joint statement of the Secretary of War and the Secretary of the Navy, which I have quoted, suggesting that the minimum time of forty-five days may be insufficient, and that a longer time interval is desirable, seventy-seven days is by no means too long a period to assure the delivery of the ballots to our men in the services.

I have prepared and am recommending for your consideration three bills making the changes which I believe are necessary to make it possible for our service men to cast their votes in the coming election. I wish to express my appreciation to the Attorney General, Stephen M. Wheeler, Secretary of State, Enoch D. Fuller, and Mr. Donald Knowlton, Legislative Counsel for the last two sessions, for their assistance in the preparation of these bills, and for valuable suggestions made by members of this Legislature. My remarks therefore will be directed largely to a discussion of the three bills which have been printed and distributed to you for consideration at this session.

I am sure you will agree with me, that service men who have reached their twenty-first birthday by election time this year and are not registered, should be allowed to register. If this were permitted for service men only, it would raise a question of constitutionality, in that it is discrimination between two classes of absentee voters. Accordingly, I am submitting to you a bill permitting absentees to register by affidavit, entitled, "An Act Relating to Absentee Voting." Section 1 of the bill amends section 61 of chapter 34 of the Revised Laws which relates to the form of the affidavit appearing on the application for absentee ballots and the form of the affidavit appearing on the envelope in which the ballot is put after it is cast. The form of the affidavit which applies to those who are already registered is unchanged but the affidavit which applies to those who are not registered is changed so as to disclose sufficient information from which the supervisors of the check-list can determine whether the absentee voter is entitled to registration. The new information required relates to the proposed voter's citizenship, age and legal residence. It also covers the requirement that he should be able to read and write.

The question has been raised as to whether it would be desirable to lower the age limit for voting from twenty-one years to eighteen years. Much as we might wish to do this, it cannot legally be done, without a constitutional amendment according to the opinion of the Attorney General, who states that the age limit for voting has been established by the constitution.

The second bill which I am submitting to you sets up a method of voting for the service men. It provides a simplified procedure for applying for ballots and permits those who have become twenty-one since the last election to register. This bill is entitled "An Act to Provide for Absentee Voting for Persons in the Armed Forces and Civilians Serving Therewith." Section 1 of the act amends the present provision of our law which requires the oath submitted with the ballot to be taken before an officer in the army of a rank higher than first lieutenant and in the navy of the rank higher than a lieutenant of the second grade. The suggested provision permits the oath to be taken by those holding the rank of sergeant or higher in the army and those holding the rank of petty officer or higher in the navy. It provides also that members of the merchant marine may take the oath before whoever may be designated for this purpose by the Administrator of the War Shipping Administration.

This simplified method of voting applies to those known as war absentees. Section 2 of the bill adds various new sections to our present statute. The first of these known as section 73a defines what is meant by war absentees and sets forth a description of those who are permitted to cast a war ballot. They are described as members of the armed forces and the merchant marine of the United States and persons serving with the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots and the

United Service Organizations. The persons last described must be outside of the United States and attached to and serving with the armed forces. This includes the same groups of people covered by the statute recently passed by Congress granting a federal ballot.

Section 73b provides for a war ballot to be prepared by the Secretary of State which shall be like the official ballot except that he shall have the right to determine its size, weight, type and color. This is to permit the preparation of the kind of a ballot which the army and navy will undertake to transmit.

The joint statement of the Secretary of War and Secretary of the Navy indicates that they will undertake to transmit to the service men voting material, not to exceed the following maxima: "1. Total weight of covering envelope and inclosed outer envelope, inner envelope, ballot and voting instructions—8/10 of one ounce. 2. Outer dimension of such covering envelope (No. 10 size)—4-1/8 in. x 9-1/2 in."

Section 73c provides a new method for applying for war ballots. It does away with formal applications because it would be impractical to require men in foreign service to ask for an application to be mailed to them and then be obliged to return the application before the ballot is sent. The time is too short for such a procedure. Application may be made in any form, either by the soldier or someone on his behalf. The only thing required is that his name, service organization, service address and legal voting residence be disclosed. This is so that the Secretary of State may determine whether he is qualified to receive a ballot and where it should be sent. Section 73d provides that the supervisors must furnish the Secretary of State such information as he may need to permit him to determine the proper ballot to be sent.

Section 73e provides the method by which the soldier shall mark his ballot. This is similar to the provision of our civilian absentee ballot law, except that a provision has been inserted to permit a voter who is unable to mark his ballot because of blindness or other physical disability to obtain the assistance of the official before whom he votes in marking his ballot. This official must certify that he has assisted him.

Section 73f provides that the Secretary of State shall send the envelope containing the war ballot to the proper city or town clerk and section 73g sets forth the procedure to be followed by the clerk after the receipt of the envelope. It also provides that the affidavit on the outside of the envelope shall be used to determine the voter's qualifications to be registered and requires the supervisors to place the voter's name on the check-list if he is not already registered. The supervisors then return the ballots to the clerk who checks them with the mailing envelopes to see that all have been returned. The two envelopes are then attached and delivered on election day to the moderator for counting.

Section 73h of the bill authorizes New Hampshire officials to perform any acts which they may be required to perform by the federal statute to the end that the federal ballot may be acceptable in New Hampshire if the voter cannot vote the state ballot.

Section 73i permits the use of a federal ballot if the voter has been unable due to the emergency conditions of the war to cast a state ballot.

The third bill which I am submitting to you provides a change in the dates of the primary and the other dates dependent upon that date, and is entitled "An Act to Facilitate Absentee Voting by Changing the Date of the Primary." The bill provides in section 1 that the date of the primaries be advanced from the second Tuesday in September to the second Tuesday in June. This date does not seem to me to be too

early. It would not be practical to select a time later than June, although it might be possible to choose a date later in June. This is obvious when it is remembered that the preparation and printing of the ballots is a sizable task and cannot be completed before August 22nd, even if the primary is held on June 13th.

Section 2 of the bill reduces the time from sixty to fifty days within which the secretary of state shall give notice of the holding of the primary. This is made necessary because of the short time remaining before the primary is held. Section 3 reduces the time for the beginning of the filing of declarations of candidacy by the candidate by a period of ten days.

Advancing the date of the primary makes it necessary to change the form for primary petitions which is now provided for by statute. This wording now describes the date of the primary as in September. Section 4 of the act which I am submitting to you amends this form by replacing the word "September" with the word "June."

Section 5 reduces the period for filing supplementary petitions on behalf of a candidate from forty-six to thirty-six days. Section 6 reduces the last date for the filing of declarations and petitions to thirty-six days.

Our law as it is at present requires the supervisors to be in session for the purpose of changing the registration of party members not less than ninety nor more than one hundred days prior to the primary. There does not seem to be any sufficient reason why the period should be so long, and in order to permit the holding of such sessions by the supervisors in due season after the passage of this law, section 7 reduces this period to not less than fifty nor more than sixty days prior to the primaries.

In order to make the present provisions of our law with reference to registering names to be added to the

check-list consistent with the dates for the holding of the sessions of the supervisors, the time limit in this provision has been changed similarly from ninety to fifty days. It also has been necessary to shorten the time limit within which a person may change his registration. Sections 8 and 9 shorten this period from ninety to fifty days.

Vacancies upon the ticket now may be filled by the party up to thirty days before the election. It is obvious that the ballots could not be printed in time unless this is changed. Section 10 establishes the period as twenty-one days after the primary.

The time for holding State Conventions is now established as not earlier than the third Tuesday of September nor later than the first Tuesday of October following a primary. In order to get the ballots out in time these dates have been changed to not earlier than the third Tuesday in June and not later than the first Tuesday in July. This is provided for in section 11. A change was necessary in the time for filing nomination papers. Our present law provides that nomination papers shall be filed with the Secretary of State thirty days prior to the day of election. This has been changed by section 12 to require nomination papers to be filed within twenty-one days after the primary. I cannot see any good reason why any more time will be needed.

Our statute at present provides that the Ballot-Law Commission shall be appointed by the Governor, with the advice of the Council, on or before the first of August. This has been changed in section 13 to require such appointments on or before the first day of May.

Certain penalties are provided for by our law to be imposed after complaints are made as to violations of the primary laws. These complaints are required to be filed not later than the fifth of October. Under

section 14 of the new bill this date has been changed to the twenty-first day following the primary. This completes the changes suggested by this bill.

In view of the fact that our service men may be in foreign lands for some period of time after the close of the war these bills are designed to take effect upon their passage and they have not provided for a date of termination. While they do in some respects relax the stringent requirements of our present law they do not seem to lower the safeguards established to insure proper voting.

I do not wish to take your time to review the happenings since the 1943 session adjourned, other than to give you a very few figures on the legislature's estimated revenue and actual revenue, and the estimated cost and actual comparable expense for the last fiscal year. The legislature estimated an unrestricted revenue for the fiscal year of 1943 of \$3,519,938.00, the actual revenue was \$3,739,859.00. You estimated that we would spend for general expenses of the state \$10,000,913.00, the actual comparable expense was \$9,458,439.00.

I have asked the Secretary of State to estimate for me the additional cost to his department, if the bills presented are passed and in effect during the coming election. He states that he will need approximately \$7,300.00 above that made available in the 1943 session. This amount can be provided by the Governor and Council from funds already available, without further legislation. I am, therefore, not asking for any money bill in connection with these changes.

In the call of the Special Session, I stated that, "It is necessary to provide especial legislation in order that our citizens in the armed forces may enjoy their constitutional privilege of the ballot, and I believe that every opportunity should be given them to exercise this privilege." I have no other legislation which I

believe justifies keeping four hundred seventy-nine men and women away from their war jobs. I am sure that the spirit of cooperation which made the last session the shortest session since 1931, will prompt you to give these measures your earnest, careful and speedy consideration. I am confident we will allow nothing we do here today, either by failing to provide a sufficient amount of time or by requiring complicated voting methods, to prevent even one of our fine young men and women in the most remote outpost, contributing so much to the cause of freedom, to exercise his right to vote.

On motion of Senator Kelley of District No. 1, the convention rose.

The Senate re-assembled.

Introduction of Guests

President Sanborn introduced to the membership of the Senate, U. S. Senator Charles W. Tobey, and Congressman Chester E. Merrow.

Senator Foote offered the following resolution and moved its adoption:

I move that the Senate reconsider its vote whereby it concurred in the adoption of the Concurrent Resolution relating to Joint Rule No. 13.

(Discussion ensued)

On a *viva voce* vote the negative prevailed and the motion to reconsider was lost.

On motion of Senator Avery the Senate adjourned.

Afternoon

The Senate re-assembled.

The following message was received from the House of Representatives by its Clerk:

House Message

Mr. President:

The House of Representatives has voted to request the Honorable Senate to rescind its vote of concurrence and return to the House of Representatives for further consideration, Concurrent Resolution under Joint Rule No. 13.

On motion of Senator Perley the message with its request was laid upon the table.

On motion of Senator Noel the Senate extended to Sergeant Varis Giguere an invitation to address the Senate at 11 o'clock, Wednesday, March 22.

On motion of Senator Batchelor the Senate adjourned until 10:15 Wednesday, March 22.

WEDNESDAY, MARCH 22, 1944

The Senate met according to adjournment.

The Clerk proceeded to call the roll for the purpose of ascertaining attendance.

The following named Senators were present: Senators Kelley, Frazer, Sanborn, Perley, Wilkinson, Swift, Kelly, Boynton, Batchelor, Knight, Atherton, Noel, Avery, Nelson, Daniels, McCarthy, Lamy, Marcoux, Smart, Barron, Thomson and Foote.

House Message

The following message was received from the House of Representatives by its Clerk.

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 346, An act relating to the exemption from taxation of veterans.

House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes.

Read and Referred

The following entitled bills, sent up from the House of Representatives, were read a first and second time and referred to the Joint Committee on Ways and Means and Revision of Laws.

House Bill No. 346, An act relating to the exemption from taxation of veterans.

House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes.

Taken from the Table

On motion of Senator Perley the Concurrent Resolution, under Joint Rule No. 13, was taken from the table.

On motion of the same senator the Senate voted to accede to the request of the House of Representatives on the Concurrent Resolution under Joint Rule No. 13.

The President declared a recess.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has adopted the following Concurrent Resolution in the adoption of which it asks the concurrence of the Honorable Senate:

Resolved, By the House of Representatives, the Senate concurring, that the Joint Rules of the last regular session of the Legislature be the Joint Rules

of this Special Session of the Legislature, unless otherwise ordered, except that no bill, joint resolution, or petition relating to new business, shall be received in either branch of the Legislature, unless reported by the Committee on Rules of either branch: provided that this rule may be suspended in either House whenever a majority of the whole number of members present shall, on division, take vote in favor thereof, and not otherwise.

On motion of Senator Perley, the Senate voted to concur in the adoption of the Concurrent Resolution sent up from the House of Representatives.

Senator Noel offered the following Concurrent Resolution and moved its adoption:

Whereas, many of our young people between the ages of eighteen and twenty-one years are serving in the armed forces of the United States or working on the home front, and

Whereas, if they are old enough to work and fight they should be allowed to vote, Now, Therefore be it,

Resolved, by the Senate in General Court convened, the House of Representatives concurring:

That the President of the Constitutional Convention, now in recess, be and hereby is requested to call a meeting of said convention for the purpose of determining whether or not the question should be submitted to the voters to amend the constitution of this state to provide that the voting age be reduced from twenty-one to eighteen years of age.

On a *viva voce* vote the Chair was in doubt.

Senator McCarthy requested a division.

(Discussion ensued)

The question being stated, Shall the Concurrent Resolution be adopted?

Twenty-one senators having voted in the affirmative the Concurrent Resolution was unanimously adopted.

On motion of Senator Atherton the following resolution was adopted:

Resolved, That the rules be suspended to allow a public hearing on the following entitled bills without being previously advertised in the Journal:

House Bill No. 346, An act relating to the exemption from taxation of veterans.

House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes.

Introduction of Guest

The President introduced Sgt. Varis Giguierre, who addressed the Senate.

On motion of Senator Swift the Senate adjourned.

Afternoon

The Senate re-assembled.

On motion of Senator Smart the Senate adjourned.

THURSDAY, MARCH 23, 1944

The Senate met according to adjournment.

Leaves of Absence

Senator E. Kelly was granted a leave of absence on account of important business.

Senator Marcoux was granted a leave of absence on account of attending a funeral.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill, in the passage of which it asked the concurrence of the Honorable Senate:

House Bill No. 348, An act relating to poll taxes.

Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Joint Committee on Ways and Means and Judiciary.

House Bill No. 348, An act relating to poll taxes.

Committee Reports

Senator Noel, for the Joint Committee on Revision of Laws and Ways and Means, to whom was referred House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes.

Having considered the same, reported the same without amendment, and recommended its passage.

The report was accepted, and the bill was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Atherton, the rules were suspended to introduce a Committee Report not previously advertised in the Journal.

Senator Noel, for the Joint Committee on Revision of Laws and Ways and Means, to whom was referred House Bill No. 346, An act relating to the exemption from taxation of veterans,

Having considered the same, reported the same with

the following amendment and recommended that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *Veterans.* Amend section 29 of chapter 73 of the Revised Laws, as amended by chapter 174 of the Laws of 1943, by striking out said section and inserting in place thereof the following: 29. *Service Exemption.* Any veteran who is a resident of this state and who served for thirty days or more in any war in which the United States has been engaged, or in World War II, and received an honorable discharge from the service of the United States in such war, and the wife or widow of any such veteran, in consideration or recognition of such service, shall be exempt each year from taxation upon his taxable property to the value of one thousand dollars; provided that before April fifteenth of each year he shall file with the selectmen or assessors his application therefor, under oath, on blanks prescribed by the state tax commission, showing that he and his wife do not own property, exclusive of any *bona fide* encumbrances thereon, to the value of five thousand dollars. In case such veteran shall satisfy the selectmen or assessors that he was prevented from filing said statement through accident, mistake or misfortune, said selectmen or assessors may receive such statement at a later date and grant an exemption thereunder. If such veteran is totally and permanently disabled from such service connection he and his wife or widow shall be exempt each year from taxation upon his taxable property to the value of three thousand dollars, provided he and his wife do not own property to the value of five thousand dollars, as hereinbefore provided. In each such veteran shall own taxable property in more than one town he shall take his exemption first in the town

where he resides. If he does not own the exemption limit in value of taxable property in the town where he resides, he shall be entitled to take the balance of such exemption in any other town in the state where he owns taxable property.

The report was accepted, amendment adopted, and the bill as amended was ordered to a third reading this afternoon at two o'clock.

On motion of Senator Knight, the following resolution was unanimously adopted by a rising vote:

Whereas, our esteemed colleague, George T. Noyes, the Honorable Senator from District No. 2, has deemed it his patriotic duty to enlist in the Armed Forces of the United States and is now serving in the Signal Corps; and,

Whereas, it is now, and always has been, a matter of just pride on the part of the State of New Hampshire that its sons and daughters stand ready to serve on the field of battle as well as in legislative capacities; now therefore,

Be It Resolved, That we, the members of the New Hampshire State Senate, both severally and as a body, hereby take the occasion of our assembling in Special Session on this, the 23rd day of March, 1944, to express to our fellow member, George T. Noyes of Bethlehem, our appreciation and admiration of his services both as a legislator and a soldier, and to extend to him our hearty and sincere wishes for all that gives distinction and enduring satisfaction to a loyal American citizen under arms, and

Be It Further Resolved, That this resolution be communicated to the Senator from District No. 2, to his family, and that it be spread upon the records of the Senate.

The President declared a recess.

Recess

The Senate re-assembled.

On motion of Senator Knight, the Senate adjourned.

Afternoon

The Senate met according to adjournment.

Third Readings

The following entitled bills were read a third time and passed:

House Bill No. 346, An act relating to the exemption from taxation of veterans.

House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes.

The Clerk proceeded to call the roll for the purpose of ascertaining attendance.

The following named Senators were present: Senators Frazer, Sanborn, Perley, Wilkinson, Swift, Kelly, Boynton, Batchelor, Knight, Atherton, Noel, Avery, Nelson, Daniels, McCarthy, Lamy, Smart, Barron, Thomson, and Foote.

On motion of Senator Avery, the following resolution was adopted.

Resolved, That when the Senate adjourns today it be to meet Saturday morning at 10 o'clock, and when it adjourns Saturday morning it be to meet Tuesday morning at 10:15 o'clock.

On motion of Senator Perley, the Senate adjourned.

TUESDAY, MARCH 28, 1944

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SATURDAY, MARCH 25, 1944.

The Senate met according to adjournment.
Senator Nelson having assumed the Chair, read the following communication:

Concord, N. H., March 25, 1944.

SENATOR NELSON:

Please preside for me at today's session of the New Hampshire Senate, and oblige.

ANSEL N. SANBORN,
President.

There being manifestly no quorum present, Senator Nelson declared the Senate adjourned.

TUESDAY, MARCH 28, 1944.

The Senate met according to adjournment.

The President declared a recess until 11:30 A. M.

Recess

The Senate re-assembled.

The President declared a recess until 1:55 P. M.

Recess

The Senate re-assembled.

Senator Swift offered the following resolution and moved its adoption:

Resolved, That hereby House Bill No. 348, An act relating to poll taxes was referred to the Joint Committee of the Judiciary and Ways and Means be

vacated, and that the bill be referred to the Senate as a Committee of the Whole tomorrow morning at 11:01 o'clock.

(Discussion ensued.)

The question being stated, Shall the resolution be adopted?

On a *viva voce* vote the negative prevailed and the resolution was not adopted.

Engrossed Bill

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes.

ALDEGE A. NOEL

For the Committee.

The President declared a recess.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills, in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 343, An act relative to absentee voting.

House Bill No. 344, An act to provide for absentee voting for persons in the armed forces and civilians serving therewith.

House Bill No. 345, An act to facilitate absentee voting by changing the date of the Primary.

Read and Referred

The following entitled bill was read a first and second time and referred to a Joint Committee on Elections and Judiciary: House Bill No. 343, An act relative to absentee voting.

On motion of Senator Avery, the rules were suspended, reference to committee dispensed with, and the above entitled bill was read a third time and passed at the present time.

The following entitled bill was read a first and second time and referred to a Joint Committee on Elections and Judiciary: House Bill No. 343, An act to provide for absentee voting.

On motion of Senator Atherton the rules were suspended, reference to committee dispensed with, and the above entitled bill was read a third time and passed at the present time.

The following entitled bill was read a first and second time and referred to a Joint Committee on Elections and Judiciary: House Bill No. 344, An act to facilitate absentee voting by changing the date of the primary.

On motion of Senator Perley the rules were suspended, reference to committee dispensed with and the above entitled bill was read a third time and passed at the present time.

Bill Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bill:

House Bill No. 346, An act relating to exemption from taxation of veterans.

HERBERT D. SWIFT
For the Committee.

On motion of Senator Perley the Senate adjourned.

Afternoon

The Senate re-assembled.

The Clerk proceeded to call the roll for the purpose of ascertaining attendance.

The following named senators were present: Senators Kelley, Frazer, Sanborn, Perley, Wilkinson, Swift, Kelly, Boynton, Batchelor, Knight, Atherton, Noel, Avery, Nelson, Daniels, McCarthy, Lamy, Marcoux, Smart, Barron, Thomson and Foote.

On motion of Senator Barron the Senate adjourned.

WEDNESDAY, MARCH 29, 1944.

The Senate met according to adjournment.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has voted to concur with the Honorable Senate in its amendments to the following entitled bill:

House Bill No. 346, An act relating to the exemption from taxation of veterans.

The message further stated that the House of Representatives has passed the following entitled bills, in

the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 350, An act legalizing a school district meeting in the town of Peterborough.

House Bill No. 351, An act extending the time for the enforcement of the act relative to the method of assessment of real estate.

The message further stated that the House of Representatives has passed the following concurrent resolution, in the passage of which it asks the concurrence of the Honorable Senate:

Concurrent Resolution Memorializing the Federal Hospitalization Board of the United States Veterans' Administration.

Whereas, there are a large number of war veterans residents of this state who are in need of hospital care and treatment, and

Whereas, there is a lack of sufficient facilities in the veterans administration hospitals in the New England area to care for these men, many of whom need immediate hospitalization, and

Whereas, it is the established policy of the federal government to furnish hospital care and treatment to needy war veterans, and

Whereas, there are only three states in the Union, of which New Hampshire is one, that do not have within their borders a veterans hospital, therefore be it

Resolved by the House of Representatives in General Court convened and the Senate concurring:

That every effort be made by the Federal Government to assign a veterans hospital to the State of New Hampshire, and be it further

Resolved, That copies of this resolution be transmitted at once to the President of the United States, to the Congress of the United States, to the Director General of the Veterans' Administration, to Senator Styles Bridges, to Senator Charles W. Tobey, and Congressmen Foster Stearns and Chester E. Merrow.

On motion of Senator Foote, the Senate voted to concur in the concurrent resolution sent up from the House of Representatives.

The message further stated that the House of Representatives has passed the following concurrent resolution, in the passage of which it asks the concurrence of the Honorable Senate:

**Concurrent Resolution Memorializing the
Commissioner of National Cemeteries,
Washington**

Whereas, the National government has recently purchased additional acreage at Arlington National Cemetery at Washington and suggested the establishment of national cemeteries in the various states, and

Whereas, the creation of a national cemetery in New Hampshire would be of great comfort to the families of our brave sons and daughters who have laid down their lives for their country, and

Whereas, immediate action should be taken on this highly important matter, therefore be it

Resolved, by the House of Representatives in General Court Convened and the Senate concurring:

That every effort be made by the Federal Government to assign a national cemetery to the State of New Hampshire, and be it further

Resolved, That copies of this resolution be transmitted at once to the President of the United States,

to the Congress of the United States, to the Commissioner of National Cemeteries, to Senator Styles Bridges, to Senator Charles W. Tobey, and to Congressmen Chester E. Merrow and Foster Stearns.

On motion of Senator J. Kelley, the Senate voted to concur in the concurrent resolution sent up from the House of Representatives.

Read and Referred

The following entitled bills were read a first and second time and referred:

To the Committee on Judiciary:

House Bill No. 350, An act legalizing a school district meeting in the town of Peterborough.

On motion of Senator Avery the rules were suspended, reference to committee dispensed with, and the above entitled bill was read a third time and passed.

House Bill No. 351, An act extending the time for the enforcement of the act relative to the method of assessment of real estate.

Committee Report

On motion of Senator Avery, the rules were suspended to permit a public hearing on a bill not previously advertised in the Journal.

Senator Foote for the Joint Committee on Ways and Means and Judiciary to whom was referred House Bill No 348, An act relating to poll taxes.

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report of the committee was accepted.

The question beting stated: Shall the resolution, inexpedient to legislate, be adopted?

(Discussion ensued)

Senators Marcoux and Batchelor demanded a roll call.

The Clerk proceeded to call the roll.

The following named senators voted in the affirmative: Senators Frazer, Perley, Wilkinson, Swift, Kelly, Boynton, Knight, Atherton, Avery, Nelson, Daniels, Smart, and Barron.

The following named senators voted in the negative: Senators Batchelor, Noel, McCarthy, Lamy, Marcoux, Thomson and Foote.

Thirteen senators having voted in the affirmative and seven senators having voted in the negative, the affirmative prevailed and the resolution was adopted.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 343, An act relative to absentee voting.

House Bill No. 344, An act to provide for absentee voting for persons in the armed forces and civilians serving therewith.

House Bill No. 345, An act to facilitate absentee voting by changing the date of the primary.

ALDEGE A. NOEL,
For the Committee.

On motion of Senator Noel, the following resolution was adopted:

Resolved, That the Senate has heard with deep regret of the death of John W. Harris of Concord, Chairman of the Barber's Examining and Licensing Board of the State of New Hampshire.

And Be It Further Resolved, That the Clerk be instructed to forward a copy of these resolutions to the family of the deceased with the expression of the deep sympathy of the Senate.

The President declared a recess.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bill in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 353, An act authorizing the Hampstead School district in the town of Hampstead, to issue notes or bonds for school purposes, and to exceed its debt limit.

Read and Referred

The following entitled bill sent up from the House of Representatives was read a first and second time and referred to the Committee on Judiciary:

House Bill No. 353, An act authorizing the Hampstead School district in the town of Hampstead to issue notes or bonds for school purposes, and to exceed its debt limit.

On motion of Senator Avery, the rules were suspended, reference to committee dispensed with, and the above entitled bill was read a third time and passed.

Committee Report

On motion of Senator Avery, the rules were sus-

pended to introduce a committee report not previously advertised in the Journal.

Senator Foote for the Committee on Judiciary to whom was referred House Bill No. 351, An act extending the time for the enforcement of the act relative to the method of assessment of real estate,

Having considered the same, reported the same with the following resolution:

Resolved, That it is inexpedient to legislate.

The report was accepted.

The question being stated: Shall the resolution, inexpedient to legislate, be adopted?

On a *viva voce* vote the affirmative prevailed, and the resolution was adopted.

The President declared a recess.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has adopted the following Concurrent Resolution in the adoption of which it asks the concurrence of the Honorable Senate:

Resolved, by the House of Representatives, the Senate concurring, that the present Session of the Legislature be brought to a final adjournment on Wednesday, March 29, 1944, at 7 o'clock in the afternoon and that all reports, bills and joint resolutions pending at that time in either branch of the Legislature be indefinitely postponed except such bills as may be referred to the next Legislature.

On motion of Senator Avery, the Senate voted to

concur in the Concurrent Resolution sent up from the House of Representatives.

The President declared a recess of one hour.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has passed the following entitled bills in the passage of which it asks the concurrence of the Honorable Senate:

House Bill No. 354, An act relating to soldiers' home.

House Bill No. 355, An act making appropriations for the Special Session of the Legislature of 1944.

Read and Referred

The following entitled bills sent up from the House of Representatives were read a first and second time and referred:

To the Committee on Ways and Means, House Bill No. 354, An act relating to soldiers' home.

On motion of Senator Knight the bill was indefinitely postponed.

To the Committee on Finance, House Bill No. 355, An act making appropriations for the Special Session of the Legislature of 1944.

On motion of Senator Boynton the rules were suspended to allow a hearing not previously advertised in the Journal.

The President declared a recess.

Recess

The Senate re-assembled.

On motion of Senator Boynton the rules were suspended to introduce a committee report not previously advertised in the Journal.

Committee Report

Senator Wilkinson for the Committee on Finance, to whom was referred House Bill No. 355, An act making appropriations for the Special Session of the Legislature of 1944, having considered the same, reported the same without amendment and recommended its passage.

The report was accepted and the bill was ordered to a third reading this afternoon at two o'clock.

On motion of the same Senator the rules were further suspended and the above entitled bill was read a third time and passed.

The President declared a recess.

Recess

The Senate re-assembled.

House Message

The following message was received from the House of Representatives by its Clerk:

Mr. President:

The House of Representatives has adopted the following concurrent resolution in the adoption of which it asks the concurrence of the Honorable Senate:

Resolved, by the House of Representatives, the Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and

inform him that the Legislature has completed the business of the special session and is ready to receive any communication he may be pleased to make.

The Speaker appointed the following committee: Messrs. Matson of Concord, Hale of Rindge, Holden of Hanover, Peaver of Salem, Mrs. Brooks of Claremont, Mrs. Downing of Littleton, Messrs. McDaniel of Nottingham, Frazier of Corham, Mrs. Charois of Greenville.

On motion of Senator Avery the Senate voted to concur in the concurrent resolution sent up from the House of Representatives and the President appointed as members of the committee on the part of the Senate, Senators Avery, Frazer, and Wilkinson.

The President declared a recess.

Recess

The Senate re-assembled.

Bills Engrossed

The Committee on Engrossed Bills have examined and found correctly engrossed the following entitled bills:

House Bill No. 350, An act legalizing a school district meeting in the town of Peterborough.

House Bill No. 353, An act authorizing the Hampstead School District in the town of Hampstead to issue notes or bonds for school purposes, and to exceed its debt limit.

House Bill No. 355, An act making appropriations for the Special Session of the Legislature of 1944.

HERBERT D. SWIFT,

For the Committee.

The President declared a recess.

Recess

The Senate re-assembled.

On motion of Senator Swift of New London the Senate adjourned.

Afternoon

The Senate reassembled.

Senator Avery, for the Joint Committee appointed to wait upon his Excellency, the Governor, and inform him that the Legislature has completed its duties, reported that they had attended to their duties and that the Governor informed them that he would address the Legislature.

The report was accepted, and his Excellency, Robert O. Blood, then came in and delivered the following message:

Governor's Message

The Joint Committee of both branches of the Legislature have informed me that you have completed the business of this special session, and are ready to adjourn. The bills which you have passed have already received executive approval, and it now becomes my duty to prorogue this session. Before making such pronouncement, I wish to express to you my appreciation of the cooperation which you have extended in providing the method whereby our citizens in the armed services can easily and conveniently exercise their right of franchise. In my message on the opening day of this session, I outlined three principal objectives and presented to you three bills, which provided a method permitting absentees to register by affidavit, to establish a simple procedure under which the service men could vote for candidates to all state offices, and to change the dates in our election laws to insure all service men, wherever located, sufficient time to perform this important function of citizenship. These objectives have been attained.

You have shortened the time limits established by our voting procedure and set a date for the primaries which insures a sufficient period within which even those service men in the most remote places may return their ballots in time to be counted on election day. Your efforts to this end and your determination to devote yourselves mainly to this purpose reflects credit on the membership of this legislative body. I am happy to express to you my appreciation for your cooperation in passing these bills for which this special session was called.

By virtue of the authority vested in me, I do now hereby adjourn this special session of the legislature to the last Wednesday in December, in the years of our Lord one thousand nine hundred forty-one.

ROBERT O. BLOOD,
Governor.

March 29, 1944.

And thereupon the President, in accordance with the proclamation of his Excellency, the Governor, and by virtue of the authority vested in him, declared the Senate adjourned to the last Wednesday in December in the year of our Lord one thousand nine hundred and forty-four.

BENJAMIN F. GREER,
Clerk.

A true copy: Attest.

BENJAMIN F. GREER,
Clerk.

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations

(1)
$$\frac{dx}{dt} = f(x, y, z), \quad \frac{dy}{dt} = g(x, y, z), \quad \frac{dz}{dt} = h(x, y, z)$$
 where f, g, h are continuous functions of x, y, z and satisfy the Lipschitz condition.

It is shown that if the functions f, g, h are continuous and satisfy the Lipschitz condition, then the system of equations (1) has a unique solution for any initial conditions.

The second part of the paper is devoted to a study of the stability of the solutions of the system of equations (1) with respect to the initial conditions.

It is shown that if the functions f, g, h are continuous and satisfy the Lipschitz condition, then the solutions of the system of equations (1) are stable with respect to the initial conditions.

The third part of the paper is devoted to a study of the stability of the solutions of the system of equations (1) with respect to the parameters.

It is shown that if the functions f, g, h are continuous and satisfy the Lipschitz condition, then the solutions of the system of equations (1) are stable with respect to the parameters.

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